

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
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	:	
	:	
AFIF ESCHEIK, RN.	:	FINAL ORDER
License # 26NO11665700	:	OF DISCIPLINE
	:	
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Afif Escheik ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about May 30, 2013, Respondent completed and submitted online biennial renewal application which asked whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial

renewal period of June 1, 2011 - May 31, 2013. Respondent answered "yes" and certified that answer by submitting the online application.

3. Upon receipt of information indicating that on or about May 28, 2014, Respondent was arrested by the Bogota Police Department for (1) Count N.J.S.A. 2C:12-1A(1) (Simple Assault) and (1) Count N.J.S.A. 2C:29-2A(1) (Resisting Arrest), the Board sent a letter of inquiry to Respondent's mailing address in Bogota, New Jersey, via regular and certified mail, requesting information and documentation regarding Respondent's arrest, nursing practice, and completion of continuing education.

4. Respondent partially replied by providing a copy of the municipal court disposition indicating that Respondent was convicted of a downgraded charge and fine \$540.

5. On or about April 5, 2015, Respondent completed and submitted an online biennial renewal application which asked whether Respondent would have "completed the required continuing education credits by May 31, 2015," referring to the biennial renewal period of June 1, 2013 - May 31, 2015. Respondent was also asked whether he had completed the required one hour course on Organ and Tissue Donation. Respondent answered "yes" to both questions and certified those answers by submitting the online application.

6. To date no further correspondence has been received from the Respondent. Respondent failed to provide the municipal court complaint, police report, name and address of nursing employer, job title, dates of employment, shift, type of unit worked, performance evaluation, narrative statement of events leading to his arrest, or proof of completion of continuing education.

#### CONCLUSIONS OF LAW

Respondent's failure to fully respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21c and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to fully respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate,

to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial periods of June 1, 2011 - May 31, 2013 and June 1, 2013 - May 31, 2015. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying his continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on May 19, 2015, provisionally suspending respondent's nursing license imposing a reprimand and a total of \$750 in civil penalties. A copy of the Order was served upon respondent by certified and regular mail at his address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all

documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Mr. Escheik replied to the Provisional Order. He provided all of the information originally requested by the Board, and therefore the Board found that suspension was no longer applicable. In addition, respondent documented timely completion of all required continuing education. The Board therefore found that the finding that he falsified information on his renewal application was not warranted, nor was the \$250 civil penalty for failure to timely complete continuing education in violation of N.J.A.C. 13:37-5.3. However, the Board found that the \$500 civil penalty for failure to cooperate with the Board's investigation was appropriate, as his failure to provide information when originally requested resulted in the unnecessary expenditure of time, effort and resources, as the Board had to resort to the issuance of a Provisional Order of Discipline in order to obtain the requested information.

ACCORDINGLY, IT IS on this 14<sup>th</sup> day of July, 2015,  
ORDERED that:

1. Respondent is assessed a civil penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New


Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Leslie Burgos-Bonilla, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this order.

In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent has provided in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By:

  
Patricia Murphy, PhD, APN  
Board President